

# BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225  
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307

FACSIMILE 202-783-6947

KARL MORELL



kmorell@bjllp.com

August 2, 2006

## BY HAND DELIVERY

Victoria Rutson  
Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W. - Room 504  
Washington, DC 20423

Re: STB Docket No. AB-307 (Sub-No. 6X), Wyoming and Colorado  
Railroad Company, Inc. – Abandonment Exemption – In Carbon County,  
Wyoming

Dear Ms. Rutson:

By decision served May 31, 2006, the Board exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Wyoming and Colorado Railroad Company, Inc. ("WYCO") of its rail line located between Saratoga and a point near Walcott, Wyoming.

The exemption was subject to the conditions that WYCO: (1) notify the National Geodetic Survey ("NGS") at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of 18 geodetic station markers; (2) prior to the onset of salvage operations, consult with the Wyoming Department of Environmental Quality ("DEQ") concerning its Water Quality Division requirements and comply with those requirements; (3) prior to the onset of salvage operations consult with the U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services Office ("USFWS") concerning potential impacts to species of Federal concern that may occur in the vicinity of the line, maintain a disturbance-free buffer zone of one mile around eagle nests and winter roost sites or, if this buffer zone is not practicable, conduct no salvage activities between February 15 and August 15, to protect nesting birds, or between November 1 and April 15, to protect roosting birds, and, prior to the onset of salvage operations, report the results of the USFWS consultation to SEA in writing; and (4) halt work in the area immediately if any cultural materials are discovered during salvage operations, contact SEA and SHPO staff immediately, and have the materials evaluated by an archeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards.

August 2, 2006

Page 2

On May 10, 2006, NGS was notified that the salvage operations will not disturb any of the geodetic markers identified by NGS.


On July 20, 2006, the undersigned spoke with Mr. Jeremy Lyon of DEQ (307-777-7588). After explaining how the salvage operation will be conducted along the line and pointing out that neither of the bridges will be removed, Mr. Lyon concluded that no permit would be required from DEQ.

On July 28, 2006, the undersigned spoke with Ms. Mary Jennings of USFWS (307-772-2374). After describing the habitat along the line and how the salvage operation will be conducted, Ms. Jennings concluded that the salvage operation can go forward without any further action by USFWS.

On August 2, 2006, WYCO entered into a Salvage Agreement which requires the salvage company fully to comply with the fourth condition imposed by the Board.

If you have any questions or require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive, flowing style.

Karl Morell